#### MANSFIELD TOWNSHIP COMMITTEE MEETING

#### September 14, 2016

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Salute to the flag was done by all.

# **APPROVAL OF THE MINUTES:**

Mr. Watters made a motion to approve the minutes from the regular meeting held on August 24, 2016, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy

Nays: None Absent: None

Abstain: Mayor Kocher

Mr. Misertino made a motion to approve the minutes from the Executive Session held on August 24, 2016, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy

Nays: None Absent: None

Abstain: Mayor Kocher

#### BILL LIST:

Mr. Watters made a motion to approve the Bill list with the addendum and also the bill that was held from the last meeting, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### **CLERKS REPORT:**

Ms. Hrebenak stated that all of the roads that were approved to be oil and chipped have been completed and they look good.

Ms. Hrebenak stated that there was a request received from the Environmental Commission to request approval from Hunterdon County to use Point Mountain Park for the photo contest and also to place the flyer for the photo session at the Orchard View Lavender Farm on the website.

Mr. Misertino made a motion to have the Clerk fill out the application for the Environmental Commission for the Hunterdon County Park System-Point Mountain Park location to be used for the photography lesson and to place the

flyer on the website, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Ms. Hrebenak stated that she has a raffle application for the Mansfield Cowboys which all items are in order and a motion is needed to approve.

Mr. Clancy made a motion to approve the raffle application for the Mansfield Cowboys, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Ms. Hrebenak stated that she has a raffle application for the Ridge and Valley Chapter of Trout Unlimited which all items are in order and a motion is needed to approve.

Mr. Clancy made a motion to approve the raffle application for the Ridge and Valley Chapter of Trout Unlimited which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Ms. Hrebenak stated that there was money that was put in the budget for a new snowplow for the Ford F550, we have received quotes for the plow and the one that we would like to go with is a 10' Heavy Duty Straight plow from Koches in the amount of \$7127.

Mr. Clancy made a motion to purchase the requested snowplow, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### FINANCE REPORT:

Mrs. Fascenelli stated that Mr. Daniel had left nothing to report.

#### **EMPLOYEES REPORTS:**

Mrs. Fascenelli stated that she and Mr. Watters attended the SWAK meeting and that the percentage for solid waste collection in Warren County in 2014 was 32% and we are required to be at 50%. Mansfield was at 44% for 2014. And that Mansfield's overall recycling is 77%. Mrs. Fascenelli explained what the 50% was made up of and stated that the state is looking for the Counties to increase their percentages.

Mr. Misertino asked what other things we can do to increase this number.

Mrs. Fascenelli stated that the County advised that they are holding another Tire Amnesty on September 22th between the hours of 7:00 am to 2:30 pm.

Mrs. Fascenelli stated that the County will be holding a Household Hazardous Waste Event on September 25<sup>th</sup> between the hours of 8:00 am to 12:00 pm.

Mrs. Fascenelli stated that the Townwide Shredding Event will be held on October 22, 2016 from 9:00 am to 1:00 pm.

Mrs. Fascenelli stated that the Electronic waste, scrap metal, large rigid plastic, and mercury switch thermostats event will be held on November 19, 2016 between the hours of 8:30am to 12:30 at the DPW garage on Route 57, and Mrs. Fascenelli stated that she is still trying to find a vendor for the bulk items.

#### RESOLUTION:

#### **RESOLUTION # 2016-76**

#### TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY

MUNICIPAL SUPPORT FOR RESPONSIBLE PET OWNERSHIP PROGRAMS IN THE COMMUNITY RECOGNIZING, that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and

UNDERSTANDING, that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners.

WHEREAS, legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;

WHEREAS, New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries:

WHEREAS, State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;

WHEREAS, The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;

WHEREAS, New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;

WHEREAS, New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;

WHEREAS, approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3,000 every month;

WHEREAS, free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animals feces:

WHEREAS, stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals, and

WHEREAS, it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

WHEREAS, all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities, such as the Township of Mansfield, also require licensure of cats. On an average Mansfield Township license 735 dogs and 146 cats a year. (Current Vaccination) against rabies is a pre-requisite to licensure):

WHEREAS, all municipalities are required to canvass their residents to locate unlicensed dogs:

NOW THEREFORE BE IT RESOLVED, by the Mansfield Township Committee, to take the following steps with regard to our municipal responsibilities with the intent of making the Township of Mansfield a truly sustainable

#### community.

It is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

# Authority of Municipalities:

Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and overage outside of normal working hours. The Township of Mansfield appoints a certified animal control officer by means of an Animal Control Services Contract. The contract states the monthly maximum as well as non-emergent response, immediate response, and transport costs.

The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate; The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;

The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

The Municipality pledges to:

- Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in a managed
   Trap-Neuter-Return program. Mansfield Township offers a yearly free rabies clinic to pet owners. Mansfield
   Township also provides pet owners with information regarding neighboring township's free rabies clinics.
- Work to improve the enforcement of animal cruelty statutes.
- Educate our community, including school children, about their responsibilities towards the pet animals they choose to keep.
- Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats
  through ease of licensing and licensing enforcement measures. Mansfield Township requires cat pet
  owners to license their cat(s). The township also offers a discount to senior citizens who own cats.
  Licenses can be renewed at the Township Municipal Building or by mail.
- Identify and work to implement best practices to prevent unwanted breeding through effective animal
  control, availability of low-cost pet spaying and neutering services, public education and pet-friendly rental
  and senior housing.
- Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
- Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

Mr. Watters made a motion to approve the Resolution 206-77, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

TOWNSHIP OF MANSFIELD COUNTY OF WARREN

#### RESOLUTION

#### 2016-78

# RESOLUTION TO INSTALL AND MAINTAIN ONE ACTIVE RADAR SPEED SIGN ON COUNTY ROUTE #629 AT THE MANSFIELD TOWNSHIP ELEMENTARY SCHOOL

WHEREAS, the Township of Mansfield wishes to install one active radar speed sign on County Route #629 at the Mansfield Township Elementary School; and

WHEREAS, active radar speed signs are optional traffic control devices and are not installed by Warren County.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Mansfield:

Section 1. That Mansfield Township agrees to install, own, maintain and assume all

costs for the operation of one active radar speed sign on County Route #629

at the Mansfield Township Elementary School.

Mr. Clancy made a motion to approve the passage of Resolution 2016-78, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

# RESOLUTION # 2016-79 TOWNSHIP OF MANSFIELD WARREN COUNTY, STATE OF NEW JERSEY OVERPAYMENT OF TAXES

WHEREAS, the following property has an overpayment of \$ 937.42 for the 2016 2nd quarter property tax; NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 14<sup>th</sup> day September 2016 that the Tax Collector and Township Finance Office are hereby authorized to refund the following overpayment:

Gary Bundy, Attorney Trust Account 989 Bonnel Court Union, New Jersey 07083

Block 2722 Lot 8.01 164 Winters Street Endless Properties from Fannie Mae

Refund: \$937.42

Mr. Misertino made a motion to approve the passage of Resolution 2016-79, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### 2016-80

Domestic Abuse & Sexual Assault Crisis Center (DASACC)
Proclamation: National Domestic Violence Awareness Month, October 2016

WHEREAS, in 1991, the New Jersey Legislature found and declared that domestic violence is a serious crime against society; and

WHEREAS, in Warren County in 2014 (the most recent statistics available), 1,347 people were arrested as the result of an act of domestic violence; and

WHEREAS, domestic violence affects people of all ages, races, genders, income levels, and sexual identities; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, psychological damage, financial barriers, and trouble finding safe housing; and

WHEREAS, everyone should be free from violence; and

WHEREAS, no one should feel unsafe in their own home; and

WHEREAS, domestic violence will not be eliminated without a concerted effort amongst the community at large; and

NOW, THEREFORE, I, Shirley Kocher, Mayor of Township of Mansfield herby proclaim:

October 2016 as Domestic Violence Awareness Month

In Township of Mansfield and urge residents to work together to raise awareness of this important issue and support those who have been victimized.

Mr. Clancy made a motion to approve the passage of Resolution 2016-80, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

# TOWNSHIP OF MANSFIELD COUNTY OF WARREN, STATE OF NEW JERSEY RESOLUTION 2016-81

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant

with the Municipal Clerk pursuant to N.J.S.A. 40A;5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Financial Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and.

WHEREAS, the members of the governing body has personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Mansfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Watters made a motion to approve the passage of Resolution 2016-81, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### RESOLUTION 2016-82

RESOLUTION FOR CORRECTIVE ACTION PLAN FOR 2015 AUDIT REPORT OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, Local Finance Notice #92-15 issued July 8, 1992, requires that all municipalities prepare and submit a Corrective Action plan as part of their annual audit process and in accordance with OMB Circulars and #92-15, and WHEREAS, the resolution is submitted to the Division of Local Government Services, Department of Community Affairs and placed on file with the clerk sixty (60) days from the date the audit was received by the governing body, and

WHEREAS, the audit report was received on July 27, 2016, and

WHEREAS, this corrective action plan resolution has been prepared by the Acting Chief Financial Officer and approved by the governing body of the Township,

WHEREAS, Charles Daniel, the Chief Financial Officer, has prepared a corrective action plan for findings in the 2015 Audit Report of the Township of Mansfield, County of Warren, State of New Jersey, and

WHEREAS, the Chief Financial Officer has provided the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, with a copy of this corrective action plan, and

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, have reviewed the findings and the corrective actions of this plan,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey approve the corrective action plan and that the Acting Chief Financial Officer of the Township of Mansfield, County of Warren, State of New Jersey, is herby directed to carry out the Corrective Action Plan for the 2015 Audit Report and have a copy of this resolution forwarded to the Department of Community Affairs.

Mr. Watters made a motion to approve the passage of Resolution 2016-82, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

# ORDINANCE:

and

1st Reading

#### **ORDINANCE 2016-12**

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, VACATING A PORTION OF A ROADWAY KNOWN AS "PARK ROW"

WHEREAS, there exists in the Township of Mansfield ("Township") a public roadway known as Park Row;

WHEREAS, there has been a request to have the Township vacate a portion of said roadway in accordance with the description set forth in Schedule A, annexed hereto; and

WHEREAS, the matter has been referred to the Township Engineer who has recommended that the Township proceed with the vacation since the portion of the roadway proposed to be vacated is not needed by the Township for public purposes; and

WHEREAS, the Township Committee does hereby determine that the aforementioned roadway as set forth in the description attached hereto as Schedule "A" is no longer needed for public purposes; and

WHEREAS, <u>N.J.S.A.</u> 40:67-1(b) and -19 authorizes the municipality to release and extinguish the public's rights arising from a dedication of a roadway; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

#### SECTION A

- 1. The rights of the public and the Township in and to a portion of Park Row as described in the attached Schedule "A" are hereby extinguished and vacated; however, expressly reserved and excepted from vacation are all rights and privileges now possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L.1972, c. 186 (C.48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street to be vacated.
- 2. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.
- 3. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Warren in accordance with the provisions of N.J.S.A. 40:67-21.

#### SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

#### SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

#### SECTION D

This Ordinance shall take effect immediately upon final publication as provided by law.

Schedule A

# DESCRIPTION OF PARK ROW A TOWNSHIP ROADWAY TO BE VACATED Township of Mansfield Warren County, New Jersey

Beginning at a point on the easterly sideline of Clinton Avenue, a Township roadway having a variable width, where the same intersects the northerly sideline of Park Row, an unimproved Township roadway being 50 feet wide, said point also being the most southwesterly corner of Block 2717, Lot 4 as shown on the Tax Map of Mansfield Township, and running, thence;

- (1) Along the northerly sideline of Park Row and also along Block 2717, Lots 4, 3, 2 and 1, a distance of 275 feet more or less, to a point on the southerly sideline of Colston Avenue, an unimproved Township roadway being 50 feet wide, thence;
- (2) In an easterly direction along the southerly sideline of Colston Avenue, a distance of 120 feet more or less, to a point of non-tangent curvature, thence;
- (3) On a curve to the right running 50 feet from and parallel to the easterly sideline of an unnamed roadway a distance of 100 feet more or less, to a point on the westerly sideline of said unnamed roadway, thence;
- (4) On a curve to the left running along the westerly sideline of the unnamed roadway and along Block 2718, Lots 3, 2 and 1, a distance of 150 feet more or less, to a point of tangency on the southerly sideline of Park Row, thence;
- (5) Along the southerly sideline of Park Row and along Block 2718, Lots 9, 8, 7 and a portion of a previously vacated roadway, a distance of 300 feet more or less, to a point on the easterly sideline of Clinton Avenue and corner to Block 2718, Lot 7 as shown on the Tax Map of Mansfield, thence;
- (6) Along the easterly sideline of Clinton Avenue, a distance of 50 feet more or less, to the point of BEGIN-NING.

Mr. Misertino made a motion to approve the introduction of Ordinance 2016-12 and requested that the public hearing be held on October 12, 2016 at 8:00 pm, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Discussion of the Candidates for Township Committee from the Municipal County Committee

Mr. Misertino made a motion to appoint Ron Hayes to the Township Committee, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters Nays: Mr. Clancy, Mayor Kocher

Absent: None Abstain: None

Mr. Clancy made a motion to appoint Scott Cruts to the Township Committee, which was seconded by Mayor Kocher.

Ayes: Mr. Clancy, Mayor Kocher Nays: Mr. Misertino, Mr. Watters

Absent: None

Abstain: None

Mr. Clancy made a motion to have all three candidates at the next meeting, which was seconded by Mayor Kocher.

Ayes: Mr. Clancy, Mayor Kocher Nays: Mr. Misertino, Mr. Watters

Absent: None Abstain: None

2nd Reading:

#### ORDINANCE 2016-08

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER \_\_\_\_OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "OPERATION OF DEALERS IN SECONDHAND GOLD, SILVER AND JEWELRY"

WHEREAS, the theft of property negatively affects the resident of the Township of Mansfield, and the surrounding communities and has a negative financial impact on citizens and businesses; and

WHEREAS, the Township Committee of the Township of Mansfield believes that it is necessary and would be in the best interest of public safety and general welfare, consistent and in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6 et seq., to require a thorough investigation, identification, maintenance of records, and licensing of any person who buy, sell, transfer or obtain for consignment articles made of or containing gold, silver, precious or semiprecious metals or gems or jewelry or other metals, as well as persons who are engaged as secondhand dealers in the Township of Mansfield; and

WHEREAS, N.J.S.A. 51:6A-7, and related laws, permits municipalities to adopt and enforce ordinances or regulations which are more restrictive than existing State law or any of the rules and regulations promulgated thereunder; and

WHEREAS, it is the purpose and intent of this legislation to assist law enforcement officials and victims of crimes in recovering stolen gold, silver, precious or semiprecious metals, gems, jewelry, other metals, secondhand goods, and/or other property by requiring electronic reporting, maintenance and distribution criteria for Buyers, Dealers and Transient Dealers; and

WHEREAS, the use of electronic reporting systems for this type of information is now common across the United States and in the State of New Jersey. These systems have proven to dramatically increase law enforcement's ability to efficiently and effectively collect transaction data, to make matches of sold or pawned property to stolen property, and to identify trends in the selling or pawning of stolen property; and

WHEREAS, pursuant to N.J.S.A 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield in the County of Warren, State of New Jersey, that Chapter IV, 4-18 of the Code of the Township of Mansfield is hereby amended as follows: <a href="CHAPTER IV">CHAPTER IV</a>, 4-18, PRECIOUS METALS, GEMS, OTHER METALS, GIFT CARDS AND SECONDHAND GOODS

- 4-18.1 Findings.
- 4-18.2 Definitions,
- 4-18.3 License required,
- 4-18.4 License fees,
- 4-18.5 Non-Transferability and Term of license,
- 4-18.6 Application for license
- 4-18.7 Investigation of applicant; issuance or denial of license; appeal,
- 4-18.8 Revocation of license; hearing,
- 4-18.9 License valid for one place of business only,
- 4-18.10 Doing business at unlicensed premises prohibited,
- 4-18.11 Record of transactions to be maintained.
- 4-18.12 Prohibited transactions,
- 4-18.13 Minimum retention of articles for fifteen (15) days.
- 4-18.14 Surety Bond,
- 4-18.15 Non-Applicability,
- 4-18.16 Violations and penalties,
- 4-18.17 Repealer, Severability and Effective Date

#### **GENERAL REFERENCES**

#### 4-18.1 Findings and Intent,

- A. The Township Committee hereby finds that there is a need to regulate and control the buying, selling, advertising and/or solicitation of gold, silver and precious or semiprecious gems or jewelry in order to prevent the easy disposal of items which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of gold, silver and previous or semiprecious gems or jewelry.
- B. The Township Committee herby finds that there is a need to regulate and control the buying and selling of other metals such as aluminum, copper, magnesium and ferrous which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of such metals in accordance with N.J.S.A. 45-28.1 et seq. and the rules and regulation promulgate thereunder.
- C. The Township Committee hereby finds that there is a need to regulate and control the buying, selling, advertising and/or solicitation of gift cards and secondhand goods which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of such cards and good in accordance with N.J.S.A. 45:22-1 et seq. and the rules and regulations promulgated thereunder.
- D. It is the intent of this Chapter to assist law enforcement officials and victims of crime in recovering those items identified in paragraphs A, B or C above by requiring reasonable reporting, maintenance and distribution criteria for Buyers, Dealers and Transient Buyer as defined in this Chapter.

#### 4-18.2 Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely discretionary

- A. ACCEPTABLE INDENTIFICATION: Acceptable forms of identification include: a current valid photo New Jersey Driver's License or New Jersey Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable valid US Government issued photo identification with address. All of the above listed acceptable identifications require the Dealer to capture/record evidence of the person's current address.
- **B.** ARTICLE: Any article of merchandise, including any portion of such articale, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. This term shall also include the definition of "article" as the same appears in N.J.S.A. 51:16-1, as that statute may be amended from time to time.
- C. BUYER: Any person, partnership, corporation, sole proprietorship, association, or other entity, who or which, through any means, buys, transfer or obtains from consignment articles made or containing gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter, and includes anyone advertising the purchase or sale of any of the aforementioned items.
- **D.** CHIEF OF POLICE: the Chief of Police of the Township of Mansfield or his designee/representative.
- **E.** DATABASE: A computerized internet capable database with hardware and software compliant with standards set by the Chief of Police.
- F. DEALER: Any person, partnership, corporation, sole proprietorship, association, or other entity, who or which, through any means, buys, sells, transfer or obtains from consignment articles made of or containing gold, silver, precious or semi precious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter and includes anyone advertising or soliciting the purchase or sale of any of the aforementioned items.
- **G.** DESIGNATED VENDOR: A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or other purchase information as defined herein, for the Township of Mansfield.
- H. EMPLOYEE: Any person working for a Buyer or Dealer, whether or not the person is in the direct employment of the Buyer or Dealer or works full time or part time, who handles gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods for the Buyer or Dealer, Employee shall not mean a person employed by a bank, armored car company or other business entity acting in the sole capacity of bailee-for-hire relationship with a buyer or Dealer.
- **I.** GEM: Any precious or semiprecious stone or item containing a precious or semiprecious stone customarily used in jewelry or ornamentation.
- **J.** GIFT CARD: Is a restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift.
- **K.** GOLD: Any article or product with a gold content, without regard to the fineness thereof.

- **L.** ITINERANT BUSINESS: Any business conducted intermittently within the Township of Mansfield or at varying locations.
- **M.** MINOR: Any person under the age of eighteen (18) years.
- N. OTHER METALS: Any item made of aluminum, copper, magnesium or other ferrous metals.
- **O.** PAWN: A bailment of personal property as security for any debt or engagement redeemable upon certain terms and with the implied power of sale or default.
- **P.** PERSON: Any individual natural person, partnership, join venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or any officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.
- Q. PRECIOUS OR SEMIPRECIOUS GEM: Comprised of gold, silver, sterling, platinum and/or their alloys as defined in J.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq. and/or N.J.S.A. 51:6A-1 et seq.; gems, gemstones, coins and all forms of jewelry herein contained. Not limited to those categories known as "diamonds, rubies, pearls and sapphires: and commonly called a "jewel."
- **R.** PUBLIC: Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.
- S. PURCHASE: Includes any exchange of gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter for anything of value. A purchase or payment need not be made by way of money in order to constitute purchase for the purpose of this chapter. For purposes of this chapter a purchase may include any exchange, deposit, pledge, conveyance or trade of any tangible or intangible article.
- T. REGULATED ACTIVITY: The purchase of any used item as defined in 4-18.1A, B and C.
- **U.** REPORTABLE TRANSACTION: Every transaction conducted by a Dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.
- V. SECONDHAND GOODS: Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic, equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing, collectibles (for example, stamps, coins, comic book, sport memorabilia) other valuable articles or as listed in Appendix I.
- **W.** SELLER: Any person, partnership or corporation who or which, through any means, sells, transfers or offers by consignment gold, silver, previous or semiprecious metals or gems or jewelry or other metals as defined in this chapter.
- X. SILVER: Any article or product with a silver content, without regard to the fineness thereof.

- Y. TRANSIENT BUYER: A Dealer who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business in the Township of Mansfield within six (6) months. The terms Transient Buyer will also include a Dealer who intends to close out or discontinue all retail business in the Township of Mansfield within six (6) months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1. Vendors doing business during a Community Event sponsored or sanctioned by the Township of Mansfield shall not be considered a Transient Buyer for purposes of this Chapter.
- **Z.** USED ITEM CONTAINING GOLD OR SILVER: Any item containing gold or silver previously sold, traded or transferred to a consumer for the personal use or enjoyment of such consumer.

#### 4-18.3 License required,

No Buyer or Dealer shall engage in a regulated activity, as defined above, without having first obtained a license therefore from the Township Clerk, which license shall bear a number issued by the Township Clerk and shall be prominently displayed within the licensed premises. The requirement of a license shall apply to the Buyer and/or Dealer and to any individual employee who engages in a regulated activity on behalf of a Buyer or Dealer. Hereinafter the term "Licensee" shall refer to a Buyer, Dealer, Transient Buyer, or to any individual employee who engages in a regulated activity on behalf of a Buyer or Dealer.

#### 4-18.4 License fees,

At the time of filing the application for a license, a non-refundable license fee of \$100.00 shall be paid for the annual license for the premises where the activity is to be conducted, together with a fee of \$50.00 for each person working under the premises license. Thereafter, the annual, non-refundable renewal fee for the premises will be \$100.00 and for each person working under the premises license \$50.00. Said license fee shall be in addition to any fee or cost associated with Dealers obligation to comply with subsection 240-11 of this Ordinance mandating the electronic reporting of all transactions.

#### 4-18.5 Non-Transferability and Terms of License,

A licensed issued under the provisions of this Chapter shall not be transferable and shall terminate in December 31<sup>st</sup> of the year in which said licensed is issued, unless it is renewed in accordance with and pursuant to the provision of this Chapter.

#### 4-18.6 Application for license,

An application for a license shall be in writing on forms available from the Township Clerk. The application form and pertinent information required shall be developed by the Township of Mansfield through its Police Department, and the application shall be amended from time to time as necessary in order to provide the necessary information required by the Police Department to comply with the intent of this Chapter. The application shall provide the following information on said application:

- A. Name and address of Licensee;
- B. Address from which Licensee shall conduct business:

- C. Copy of valid permit from the Township of Mansfield; and
- D. Proof that the Licensee has obtained computer equipment and software required in Subsection 240-11(B) of this Ordinance, for purposes of reporting all transaction data in electronic format to the Mansfield Police Department.

#### 4-18.7 Investigation of applicant; issuance or denial of license: appeal,

- A. Upon receipt of an application completed pursuant to this chapter, the Clerk shall refer the application to the Chief of Police, who shall fingerprint the applicant and institute such investigation of the applicant's moral character and business responsibility as the Chief of Police deems necessary for the protection of the public welfare. In the event that the Licensee is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant(s) who shall be fingerprinted and investigated according to this Chapter. Upon completion of the investigation, the Chief of Police shall return the application or a copy thereof to the Clerk accompanied by a recommendation as to whether the license should be issued or denied. Upon issuance of the license, the Clerk shall give the applicant a copy of this Chapter.
- B. If the recommendation of the chief of Police is to deny the license, the grounds for the recommendation shall be stated in writing. Any person aggrieved by such denial may file a written appeal to the Township Committee through the Township Clerk within fifteen (15) days from the date of denial. This appeal may be perfected by service of a Notice of Appeal on the Township Clerk either personally or by certified mail. The Township committee shall conduct a hearing on an appeal within thirty (30) days of the Township Clerk's receipt of the filing of a Notice of Appeal, and a decision shall be rendered, in writing, on the appeal within twenty (20) days of the close of the hearing. The Township Committee may confirm or reverse the denial as deemed advisable.
- C. As to any applicant for a license under this chapter, the Police Department of the Township of Mansfield shall, upon the initial application, conduct a full state background investigation. The Chief of Police shall report the results for such investigation to the Township Committee as soon as possible. With respect to subsequent renewals of the license, the Police Department shall conduct a background investigation by applicant's name, social security number and date of birth for the purpose of the annual renewal of said application.

#### 4-18.8 Revocation of license; hearing,

A. Any license may be revoked by Township Committee for any violation of this chapter, in additional to any other penalty imposed for any violation. Any license may be revoked if the Licensee has failed to pay any fee or charge properly imposed under the authority of this Chapter. Upon any violation, the Township Committee may suspend a license upon written notice to the license holder. Upon receipt of the notice of suspension, the license holder may, within 10 days, file with the Township Clerk a written request for a hearing on the suspension before the Township Committee. The hearing shall be held within thirty (30) days of the request, at which hearing the license holder shall have the opportunity to be heard. At the conclusion of the hearing, the Township Committee shall either revoke the license or shall reinstate the license. In the event that the license holder shall not request a hearing, the license shall be automatically revoked upon the expiration of ten (10) days after the notice of suspension has been giv-

en to the license holder.

- B. Licenses issued under the provisions of this Chapter may be revoked by Township Committee, after a hearing and upon notice to the applicant, as set forth in subsection A above, for any of the following reasons:
  - 1. Fraud, misrepresentation or false statement in the application for license.
  - 2. Fraud, misrepresentation or false statement made in the course of carrying on the Regulated Activity of this Chapter.
  - 3. Any violation of this Chapter, including but not limited to:
    - a. Failure by the Licensee to enter all transaction information set forth in Section 4-18.11(B)(1)-(8) in the database within twenty-four (24) hours after purchase, receiving for pawn, or receiving for consignment, any property, precious metals, metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public.
    - b. Failure by the Licensee to properly maintain computer equipment in a reasonable fashion or failure by the Licensee to replace faulty computer equipment such as is required under Section 4-18.11(C).
    - c. Failure by the Licensee to admit to the premises during business hours any member of the Mansfield Police Department or other sworn law enforcement officer acting in the performance of their duty or to permit such officer(s) to conduct an inspection or review of records or regulated activity in accordance with Section 4-18.11(E).
    - d. Conviction of any crime.
    - e. Conviction of any disorderly person's offense involving moral turpitude.
    - f. Conviction of an offense under the laws of the United States or any other state, which is substantially equivalent to the offenses named in paragraph 4 or 5 above, or
    - g. Conducting the Regulated Activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.

#### 4-18.9 License valid for one place of business only and Non-Transferability,

No Licensee shall, by virtue of one license, keep more than one place of business for receiving or taking goods.

#### 4-18.10 Doing business at unlicensed premises prohibited.

No Licensee shall, at any time, do business at any place other than the place of business for which the license was granted.

## 4-18.11 Record of transactions to be maintained,

Every Licensee with the Township of Mansfield shall, upon the purchase, receiving for pawn, or receiving for consignment, any property, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public, shall be required to do as follows:

A. Record using a unique transaction number on a numbered receipt the name, address and telephone number of the purchaser, the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling or coin for silver, in accordance

with N.J.S.A. 51:5-1et seq. and N.J.S.A. 51:6-1 et seq. and any property containing a serial number. This information is to be documented through use of an electronic database software system as designated by the Chief of Police the information listed in Section 4-18.11(B)(1)-(8). These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in Subsection (E) below.

- 1. Dealer shall be responsible for any and all costs associated with purchasing, maintaining and updating the electronic database software system, as well as any annual licensing or subscription fees. Said licensing and/or subscription fees associated with the electronic database software system shall be in addition to any other fees or costs required under this Ordinance. The costs will be a nominal yearly fee not to exceed \$300.00 per year. Forms submitted under this section shall be kept confidential and are not public records.
- B. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all transactions into the electronic database by noon next business day from the date of purchase or receipt of property for pawn, or consignment. The Chief of Police may promulgate rules and regulations that allow for the completion and filing of electronic forms and information. The information entered will contain the information in Subsection A above, plus the following:
  - (1) The name, address, date of birth, telephone number and acceptable identification number of the seller.
  - (2) The receipt number;
  - (3) A full description of the item or items purchased, or pawned by the seller, including but not limited to, marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers, face value and identifying numbers of gift cards;
  - (4) The price paid for the item and the method of payment \*(such as, cash, check, trade, etc...);
  - (5) The form must be signed by the seller;
  - (6) The form must be legible bearing the name of the clerk or the Dealer who made the transaction so as to readily identify that individual;
  - (7) A color photograph or color image of the seller's presented acceptable identification; and
  - (8) A color photograph or color image of all items sold. When photographing or imaging all items must be positioned in a manner that makes them readily and easily identifiable.
- C. In the event of a database failure, or Dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in Section 4-18.11(b)(1)-(8) into the database as soon as possible upon the Dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the Dealer to properly maintain computer equipment in a reasonable fashion, or failure by the Dealer to replace faulty computer equipment, may result in a Dealer being cited for a violation of the ordinance and subsequently being subject to the penalties for doing so including revocation of the Dealer's license under Section 4-18.8.
- D. Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than five (5) transactions if any given thirty (30) day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.

E. It shall be the requisite duty of every Dealer, and of every person in the Dealer's employ, to admit to the premises during business hours any member of the Mansfield Police Department or other sworn law enforcement officer acting in the performance of their duty to examine any database, book, ledger, or any other record on the premises relating to the purchase, receiving for pawn, or receiving for consignment, any property, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public. Mansfield Police Officers or other law enforcement officers acting in the performance of their duty are empowered to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has reasonable suspicion to believe the article is missing or stolen. A receipt will be provided to the Dealer for any property seized by the Mansfield Police Department or other law enforcement officer.

#### 4-18.12 Prohibited transactions,

A Licensee shall not engage in Regulated Activity with any person under the age of 18 years, unless such minor is accompanied by a parent or guardian and said parent or guardian gives specific written consent to the transaction and acknowledges the receipt required by the buyer to be given to the seller. A Licensee shall not engage in Regulated Activity with an individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

#### 4-18.13 Minimum retention of articles for Forty-Five (45) Days,

All property purchased, received for pawn, or received for consignment, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public, are to be made available for inspection by the Chief of Police or any member of the Mansfield Police Department or other law enforcement officer acting in the performance of their duty for a period of forty-five (45) days from the date the transaction information is reported to the Chief of Police in accordance with 4-18.11 above. All property, precious metals, other metals, second hand goods as defined in Section 4-18.1 or as described in Appendix I shall remain in the same condition as when purchased and shall not be sold or disposed of, changed, modified, or melted by the purchaser until the forty-five-day retention period has expired. During this forty-five-day retention period, all property, precious metals, other metals, second hand goods as defined in Section 4-18.1 or as described in Appendix I shall be placed in a public view at the licensed location where the transaction occurred between Licensee and Seller. Law enforcement officers may require that an item be held for an additional 30 days beyond the requirements of this section if they know or have reason to believe that the property is missing or stolen.

#### 4-18.14 Surety Bond,

- A. Every applicant shall file with the Township Clerk a good and sufficient surety bond, to be approved by the Township Solicitor, in the amount of Ten Thousand Dollars (\$10,000.00) for each license sought, executed by a surety company authorized and qualified to do business in the State of New Jersey. The bond shall run to the Township of Mansfield for the benefit of any person or persons, injured by any wrongful act, default, fraud or misrepresentation of any violation of this chapter. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Township of Mansfield, be and remain for the benefit of any person or person who shall obtain a judgment against obligor, as a result of damage sustained in operation pursuant to any license granted under Chapter 4-18 of the Code of Township of Mansfield.
- B. The Surety Bond shall be kept for a minimum of one (1) year from the date of issuance of license and must be renewed annually along with the license. The bond shall not be cancelled for any cause unless a Notice of Intention to cancel is filed at least thirty (30) days before the

requested cancellation date with the Township Clerk with copy of the Notice of Intention mailed to the Township Solicitor. The bond shall contain such a provision. The requirement of this Chapter for obtaining a surety bond is in addition to any obligation imposed by the State of New Jersey upon transient buyer of precious metals, pursuant to N.J.A.C. 13:47C-6.1.

#### 4-18.15 Non-Applicability.

- A. This Chapter shall not apply to purchases made by Dealers from wholesalers or other legitimate suppliers, but shall only apply to those purchases made from the public which includes other retailer sellers as defined in Section 4-18.2. The Dealer shall keep records of all wholesale purchases for a period of six (6) months from the date of such purchase, which records shall be opened to investigation by the Mansfield Police Department of any sworn law enforcement officer in the performance of their duties.
- B. The following are exempt from the requirements of this Ordinance:
  - Garage Sales: As used in this Section, a garage sale is defined as the sale of used personal property by the lawful residents of residentially zoned property that is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than five (5) days in any consecutive ninety (90) day period;
  - Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one (1) year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;
  - 3. Sales or purchases which are regulated by the licensing laws of the State of New Jersey including automobile dealers, used parts dealers and automotive parts recyclers;
  - 4. Antique Dealers: As used in this Section, an antique dealer is defined as one who derives seventy-five (75%) percent of his/her gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production that is at least fifty (50) years old. As used in this Section, the term "sale" does not include an exchange, trade, or swap of items.

#### 4-18.16 Violations and penalties.

Any person, as defined above, who violates any provision of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine not exceeding \$1,250 or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

#### 4-18.17 Repealer, Severability and Effective Date,

A. <u>Repealer</u>. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are herby repealed as to said inconsistencies and conflicts.

- B. <u>Severability.</u> If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, the order or judgment shall not affect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance and, to this end, the remainder of this ordinance shall be deemed valid and effective.
- C. <u>Effective Date.</u> This ordinance shall take effect immediately upon passage and publication according to law.

Mr. Misertino made a motion to approve the passage of Ordinance 2016-08 and requested that the results be advertised, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### **ORDINANCE 2016-09**

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY TO REGULATE THE RUNNING AT LARGE OF LIVESTOCK WITHIN THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Mansfield has found that the running at large of livestock in the Township of Mansfield jeopardizes the public health, safety and welfare by exposing injury to persons and other animals and causing damage to personal property such as lawns, shrubs, flowers, grounds, and other vegetation; and

WHEREAS, the Township Committee of the Township of Mansfield has determined that <u>N.J.S.A</u>. 40:48-1 expressly permits municipalities to adopt ordinances that will regulate the running at large of livestock; and

WHEREAS, the Township Committee of the Township of Mansfield believes that the adoption of such an ordinance is appropriate and would be a reasonable exercise of the municipality's police powers.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Mansfield in the County of Warren, State of New Jersey, as follows:

#### SECTION 1. Purpose

1.1 Purpose. This Code shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as residents are affected by injury to any persons or other animals, or cause damage to personal

property including lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such unrestrained livestock running at large within the Township of Mansfield and to assess violations and penalties accordingly.

#### SECTION 2. Definitions

- 2.1 Livestock All horses, ponies, donkeys, mules, miniature breeds and all other equine; all domestic and exotic pigs, hogs, and other swine; all cattle, goats, sheep; and all llamas, alpacas.
- 2.2 Running at Large Any livestock situated upon any public street, park, or any other public place while unrestrained or situated upon any private property, including the property of the livestock owner, while not restrained by a sufficient fence, enclosure or tether and which is not attended by the owner or his or her representative.
- 2.3 Violation shall be in accordance with Section 5 of this ordinance.

#### SECTION 3. General Requirements

- 3.1 Any person or persons, firm, partnership or corporation having the care, control, custody or management of any livestock as defined above shall prohibit the animals to stray or run at large within the limits of the Township of Mansfield.
- 3.2 Fencing Requirements A fence sufficiently enclosed and strong enough to prevent livestock from escaping going through or under it is hereby required wherever livestock is kept. If any livestock escapes from within the confines of any fence it shall be presumed that such fence has not met the provisions of this chapter. Any owner or lessee of the land on which such fence is located is subject to the requirements of this section.

#### SECTION 4. Distrained Livestock; Impounding

- 4.1 When any livestock are taken up and distrained by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained.
- 4.2 The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this act may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and keeping of the livestock, upon satisfactory proof of ownership of the livestock, and

upon making reparation as provided in Section 5, the livestock shall be returned to its owner.

# SECTION 5. Violations and Penalties

- 5.1 Any person or persons, firm, partnership or corporation violating or failing to comply with any provision of this Code shall be guilty of an offense punishable as follows:
- (a) The first and second violation will be verbal warnings
- (b) A fine for a third violation in the amount of \$100.00
- (b) A fine for a fourth violation in the amount of \$250.00
- (c) A fine for a fifth violation in the amount of \$500.00
- (d) A fine for a sixth or any subsequent offenses in the amount of \$1,000 each

Each day for which a violation of this ordinance occurs shall be considered a separate offense throughout the year.

#### SECTION 6. Notices and Orders

- 6.1 Notice. The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership or corporation when a violation of this Code occurs.
- 6.2 Form. Such notice prescribed in Section 5.1 shall be in accordance with all of the following:
- 1. Be in writing.
- 2. Include the identity or description of the animal.
- 3. A statement of when, where, what damage was done if known.
- 4. Include a correction order allowing a reasonable time for restitution of penalties and damages to be made.
- 5. Inform the property owner of the right to appeal.
- 6.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier or certified mail addressed to the last known address.

# SECTION 7.

7.1 All ordinances of the Township of Mansfield which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

#### SECTION 8.

8.1 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be

unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

#### SECTION 9.

9.1 This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Mr. Clancy made a motion to approve the passage of Ordinance 2016-09 and requested that the results be advertised, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### ORDINANCE # 2016-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$368,246 FOR ACQUISITION OF AN AMBULANCE AND THE REFURBISHMENT OF A FIRE TRUCK IN AND BY THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$331,421 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

#### SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Mansfield, in the County of Warren, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$368,246. Such sum includes the sum of \$36,825 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

#### **SECTION 2**:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$331,421 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$331,421 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3: The improvement hereby authorized and the purpose for which obligations are to be issued is for the acquisition of an ambulance and the refurbishment of a fire truck, including all necessary equipment and supplies. The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$331,421. The estimated cost of the Improvement is \$368,246 which amount represents the initial appropriation made by the Township.

#### **SECTION 4:**

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### **SECTION 5:**

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### **SECTION 6:**

The following additional matters are hereby determined, declared, recited and stated:

- (a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 5 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$331,421 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein

#### SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### **SECTION 8:**

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### **SECTION 9:**

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$331,421.

#### SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Clancy made a motion to approve the passage of Ordinance 2016-11, which was seconded by Mr. Misertino.

Mr. Watters stated that he would like to get a second opinion on what should be done to repair the Tanker that is included in the Bond Ordinance, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Clancy, Mayor Kocher

Nays: Mr. Watters Absent: None Abstain: None

Mr. Watters made a motion to approve the passage of Bond Ordinance 2016-11 as long as the Tanker is inspected, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None Mr. Misertino made a motion to approve the purchase order for ambulance with verbiage that this would be pending certification of availability of funds, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

#### **PUBLIC PORTION:**

Barbara Nallen, 41 Bright Road, requested that the Township Committee pass a resolution to ban the Bear Hunt and went through the reasons to pass the resolution.

Jeanie General, read a letter into the minutes from her son John General.

Joe LeClair, 246 Main Street, stated that he will be around tomorrow to have the tanker inspected.

Elizabeth Griggs, 545 Mount Bethel Road, asked if Mr. Lavery reviewed his speech from the August 10 meeting.

Mr. Lavery stated that he went through the parameters of what could be discussed.

Ms. Griggs asked Mr. Misertino who was the council that reviewed his speech.

Mr. Misertino stated that Mr. Lavery has said everything that needs to be said.

Discussion ensued on this topic.

Scott Minter, 545 Mount Bethel Road, asked how we are doing on the Salt Shed.

Mr. Lavery had a report for the Township Committee in reference of the Salt Shed.

Mr. Minter asked what the status is for the ambulance that is sitting in storage.

Ms. Hrebenak stated that she was trying to figure out how the process will happen from here and if the EMS is required to title the ambulance before the transfer which would cost them.

#### COMMITTEE PERSON COMMENTS:

Mr. Watters stated that we are going to rent a hoe ram to break up the old kitchen at the church.

Mr. Watters made a motion to rent a hoe ram to break up the old kitchen at the Mount Bethel Church, which was seconded by Mr. Clancy.

Mr. Watters stated that we received plans from the Architect for the underground electrical and that three of the local electricians have agreed to donate their time and work together to get the conduit run to the church for the electric service and that he believes we are getting the conduit donated also.

Mr. Watters made a motion to have the masonry repair on the back of the church completed, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Mr. Clancy made a motion to enter into Executive Session at 8:38 to discuss Contractual issues with the Salt Shed and the Airport Road Estates development, which was seconded by Mayor Kocher.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Mr. Misertino made a motion to return to regular session at 9:21pm, which was seconded by Mr. Watters.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Mr. Lavery, Esq. stated that during Executive Session the Committee discussed possible Shared Service with Washington, Contractual matter dealing with the Salt Shed, Contractual matter dealing with Brinkerhoff, Contractual matter dealing with the court, and a COAH matter dealing with Minac copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mr. Watters stated that we are in the process of hooking the well back up, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None Absent: None Abstain: None

Mr. Watters stated that we had a meeting at the MCCTF and the architect did a good job.

Mr. Clancy stated that he spoke to Stan Prater in reference to all the issues with the electric in town and he assured him that there will be work to repair the issues.

Mayor Kocher stated that she went to the Warren County EDAC meeting and there was a consultant that the County has hired to manage the County EDAC matters that presented their ideas for the future.

Mr. Watters made a motion to adjourn at 9:22pm, which was carried by all.